

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GILBERTO FRANCO, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

ALLIED INTERSTATE LLC f/k/a ALLIED  
INTERSTATE, INC.,

Defendant.

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CASE NO.: 1:13-cv-04053-KBF

**NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Gilberto Franco (“Plaintiff”), on behalf of himself and all others similarly situated, appeals to the United States Court of Appeals for the Second Circuit from the District Court’s Judgment, entered in this action on April 3, 2014 [Doc. 79], which denied Plaintiff’s Motion for Class Certification and granted Defendant’s Motion to Dismiss Plaintiff’s First Amended Class Action Complaint, as well as, and including, the District Court’s Memorandum Decision and Order entered on April 2, 2014 [Doc. 78], which set forth the District Court’s reasoning for denying class certification and granting the dismissal. This appeal is taken from the entirety of the Memorandum Decision and Order and Judgment and each and every aspect thereof.

DATED: Jersey City, New Jersey  
April 28, 2014

*s/ Andrew T. Thomasson*

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*One of the Attorneys for Plaintiff, Gilberto  
Franco, and all others similarly situated*

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**CERTIFICATE OF SERVICE**

I, Andrew T. Thomasson, being duly admitted to practice law in the State of New Jersey and admitted *pro hac vice* in the above-captioned matter, hereby affirm under the penalties of perjury that on April 28, 2014, I served the within documents and all supporting papers on the Clerk of this Court using the CM/ECF system. I also certify that the foregoing documents are being served this day on all counsel of record and Parties to this action in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

*s/ Andrew T. Thomasson*

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